



ADDENDUM REPORT

To: Northern Regional Planning Panel
Cc: Lisa Foley, Project Officer – Planning Panels Secretariat - DPE
Carolyn Hunt – Senior Case Manager - DPE
From: Luke Perry, Section Leader Development Assessment
Date: 26 June 2023
Subject: PAN-228559 1037/22DA – 1A McLean Street, Coffs Harbour 2450
Panel Reference: PPSNTH-162

Dear Panel

INTRODUCTION

Coffs Harbour City Council ("Council") has provided its Assessment Report to the Northern Regional Planning Panel ("Panel") for Development Application 1037/22DA relating to a mixed-use development at 1A McLean Street, Coffs Harbour, which is scheduled for determination at the Panel's meeting on 28 June 2023.

PURPOSE

This addendum is provided to the Panel in response to questions raised by the Panel and provided to Council via emails on 20 June 2023 and 21 June 2023. This addendum should be read in conjunction with the Assessment Report and Schedule of Conditions previously provided to the Panel, and available on the Planning Portal website.

This addendum is appended by additional conditions of consent that should be adopted into any final suite of conditions of approval. In addition to a revised set of conditions, appended to this report is further information provided by the Applicant to address matters raised below.

This includes:

A revised; Clause 4.6 Written request, Addendum Letter (Contamination Assessment) and Design Verification Statement.

The questions raised and answers provided are tabularised below:

Project Documentation

From the portal I can see a revised set of Architectural Plans (dated 29 April 2023 – not 19 May 2022 as indicated on p.2 of the AR). There also appears to be a new Geotech / Acid Sulfate Report, in view of the excavation now intended, as well as an updated May 2023 4.6 variation request, which is Attachment D to the assessment report (AR).

However, items such as the SEE, landscape plans, access report and the Design Verification Statements per SEPP 65, as well as the ADG assessment in Appendix A to the AR all still appear to reflect the 2022 design with an extra storey and 99 instead of 98 units. It may be that Council has considered some of these do not require material updates, however I can't see anything addressing this issue. Moreover, the contamination assessment was based on the former plans

without the excavation of a basement. It did mention the existence of a brewery on the land previously and the need for a Stage 2 investigation as part of the proposal. Now that there is to be considerable additional excavation, should the authors be asked to revisit / confirm their assessment and recommendations? Why were no soil samples taken now, I wonder, given that much of the site is free of buildings?

As the Panel is aware, Amendments were made throughout the assessment process, notably including the reduction in building height by one storey and the corresponding loss of one residential unit (from 99 to 98). Not in all instances is there a requirement for all project documentation to be correspondingly updated.

The Statement of Environmental Effects (whilst prepared to address the scheme as originally proposed) has sufficient information to enable Council's assessment of the proposal and ultimately the Panel's decision on the application. Similarly other documents have not been updated; however their update is either not critical to the assessment of the application, or can be addressed at the Construction Certificate stage should consent be granted.

Notwithstanding that, the applicant has updated a number of items accompanying their proposal including the Contamination Assessment/Information, Design Verification Certificate and Clause 4.6 Variation Request, to reflect the design that is now before the Panel.

The Panel is correct in that the Apartment Design Guide assessment appended to the Assessment Report makes an assessment against 99 apartments instead of the now 98. This is a typographical error and does not change the outcome of the assessment.

In response to the Panel's query as to whether the addition of a level of basement triggers the need for any further contamination assessment (at Development Application stage), the Applicant was requested to have their environmental consultants review the final scheme as presented before the Panel.

To that extent, an addendum letter is provided by Foundation Earth Sciences dated 22 June 2023 which notes several things, including:

- The unlikelihood of the proposal to encounter or lower the groundwater level.
- That the site can be made suitable for the proposed development, subject to additional recommendations, including:
 - *Preparation of a Detailed Site Investigation (Phase 2 Environmental Site assessment) by a suitably qualified Environmental Consultant.*
 - *A hazardous materials assessment is recommended to be completed prior to the demolition of the site.*
 - *Any soil requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014)*

The addendum letter should be read in conjunction with the Phase 1 Preliminary Site Investigation Report, and can provide sufficient comfort that the land can be made suitable for the development sought.

Council considers this matter to be adequately addressed and the Panel provided with sufficient information to enable a determination of the application.

Zoning issues

The AR states at p.3 that the site is located within the area “zoned as” the Coffs Harbour City Centre. I think this might relate to LEP Cl. 7.3 and the associated mapping, though. More importantly however is the anomaly between the AR’s reference to the (new) ‘E2 Commercial Centre’ zone (at p.6), which reflects the 26 April 2023 Standard Instrument LEP Order zoning, now on the NSW Legislation website version of the LEP; and the applicant’s references to the former ‘B3 Commercial Core’ zone, including in its revised 4.6 submission completed after the April changes to the Standard Instrument took effect. Confusingly too the B3 zone is still shown on the LEP mapping for the site (current to late April) on the NSW Planning Portal, despite the recent changes to the Standard Instrument.

The issue goes further than the Zone name alone, however, as the B3 zone objectives listed at pp.21-22 of the latest 4.6 submission by Gyde Consulting now differ in part from those for the new E2 Commercial Centre zone shown on the NSW Legislation website version of the LEP. As we are required to consider zone objectives in determining the DA, please can this be clarified and if necessary the 4.6 submission amended in this respect? Or do savings provisions apply to a DA lodged prior to the zone changes to maintain the B3 objectives that applied on lodgement? Finally, at page 6 of the AR is the statement that “the proposal is consistent with the zone objectives”. Please could we receive some additional detail in this regard, especially if the referenced E2 zoning applies to the determination of this DA, as there appear several objectives for the CHCC E2 zone such as bullets 4, 8 and 10, where further commentary would be beneficial.

The site falls within the Zone E2 Commercial Centre pursuant to the Coffs Harbour Local Environmental Plan 2013. The site was previously within the Zone B3 Commercial Core.

The NSW Employment Zone reforms have been made and came into force on 26 April 2023. The reforms were formalised through the introduction of the *State Environmental Planning Policy (Land Use Zones) (No 5) 2022* which resulted in the change of zoning from B3 to E2 as described above across the state.

The Panel correctly notes that the relevant zone Objectives have changed consequent of the reforms.

Former B3 Commercial Core zone objectives:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that the scale and nature of development reinforces the role of the Coffs Harbour City Centre as the principal business, office, cultural, civic, entertainment and retail hub, while supporting the objectives of other business zones.
- To ensure that development makes a positive contribution to the streetscape through opportunities for improved pedestrian links, retention and creation of view corridors and the provision of a safe public domain.
- To promote the Coffs Harbour City Centre for higher density living to provide for housing diversity and choice that supports the changing housing needs of the population.
- To promote uses that activate and add to the vibrancy of the Coffs Harbour City Centre and contribute to the night-time economy.
- To ensure that development accords with the Coffs Harbour City Centre Masterplan.

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- *To encourage active living through the provision of healthy, walkable, green and safe built environments and streets, greener connections and walking and cycling infrastructure.*
 - *To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.*

Current E2 Commercial Core zone objectives:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- ***To ensure the scale and nature of development reinforces the role of the Coffs Harbour City Centre as the principal business, office, cultural, civic, entertainment and retail hub, while supporting the objectives of other employment zones.***
- ***To ensure development makes a positive contribution to the streetscape through opportunities for improved pedestrian links, retention and creation of view corridors and the provision of a safe public domain.***
- ***To promote the Coffs Harbour City Centre for higher density living to provide for housing diversity and choice that supports the changing housing needs of the population.***
- ***To promote uses that activate and add to the vibrancy of the Coffs Harbour City Centre and contribute to the night-time economy.***
- ***To ensure development is consistent with the Coffs Harbour City Centre Masterplan.***
- ***To encourage active living through the provision of healthy, walkable, green and safe built environments and streets, greener connections and walking and cycling infrastructure.***
- ***To ensure development reflects design excellence and a high visual standard within the public domain.***

The objectives boldened above are objectives which remain the same from the former B3 Commercial Core objectives to the current E2 Commercial Core objectives.

The development application was submitted prior to the coming into force of the employment zone reforms, and is thereby 'saved' by virtue of Part 2 (5) of the *Standard Instrument (Local Environmental Plans) Order 2006*, which reads:

5 Continuation of permitted development

Development that is permitted with development consent on land in a former zone under a local environmental plan, as in force immediately before 26 April 2023, continues to be permitted with development consent on the land until 26 April 2025.

The above clause provides confirmation that land use permissibility is saved, however it does not confirm (and no supplementary information has been provided by DPE) if the relevant zone objectives are also saved. The Assessment Report provided to the Panel has considered the proposal against the new E2 Commercial Core zone objectives, and therefore for abundant

caution and in light of the above clause, an assessment against the previous B3 Commercial Core zone objectives is provided as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure that the scale and nature of development reinforces the role of the Coffs Harbour City Centre as the principal business, office, cultural, civic, entertainment and retail hub, while supporting the objectives of other business zones.*
- *To ensure that development makes a positive contribution to the streetscape through opportunities for improved pedestrian links, retention and creation of view corridors and the provision of a safe public domain.*
- *To promote the Coffs Harbour City Centre for higher density living to provide for housing diversity and choice that supports the changing housing needs of the population.*
- *To promote uses that activate and add to the vibrancy of the Coffs Harbour City Centre and contribute to the night-time economy.*
- *To ensure that development accords with the Coffs Harbour City Centre Masterplan.*
- *To encourage active living through the provision of healthy, walkable, green and safe built environments and streets, greener connections and walking and cycling infrastructure.*
- *To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.*

The development is consistent with the above objectives. The construction of 98 dwellings atop a commercial unit will contribute to a diverse range of activities in the greater area. The development is in close proximity to services and therefore does not encourage car dependency amongst residents - bus services are located approximately 130 metres from the site on the Pacific Highway. Moreover, the inclusion of the ground-floor commercial unit positively influences the streetscape and promotes socialisation of residents and others. The architectural drawings highlight a high-quality design of the façade and will create visual interest to the public realm which will activate this street of the Coffs Harbour City Centre area.

The applicant has already provided a clause 4.6 variation request which addresses the E2 Commercial Core zone objectives, however to ensure the development is compatible with the new land use zoning, a revised clause 4.6 variation request has been provided by the applicant which addresses the B3 Commercial Core. The Panel now has before it an assessment of the height variation measured against both sets of zone objectives. The variation request is appended to this addendum.

Council considers this matter to be adequately addressed and the Panel provided with sufficient information to enable a determination of the application.

Boundary treatment to the west

pp.12-13 of the AR deal with the issue of the relationship between the development and the townhouses at 18 Lyster Street. However, in Figure 11 the key revised height dimension mentioned in the AR of 3.6 metres at the boundary doesn't appear on the sectional view? There is some landscaping shown at the lower level of the boundary wall but what is the section shown in grey above this with the four horizontal lines? I am having trouble trying to reconcile this with the view shown on the artist impression in the revised plan set at A21F? Also p. 12 of the AR suggests there is no maximum height restriction at the boundary under the DCP, I assume the Building Code

has also been considered? And what arrangements would be expected for maintenance of the common boundary wall and the related landscaping proposed by the applicant?

The dimensions on the plans have been cross-referenced and (where a dimension is not shown) has been measured using the appropriate software. It is understood that the 'grey above this with the four horizontal lines' indicates the substation at the southern end of the podium terrace.

The Building Code of Australia is not addressed under the cover of this development application, as specific matters pertaining to it are a matter to be resolved at the Construction Certificate phase and where appropriate, have been included as conditions of consent. It is noted that there is adequate separation between buildings and no additional construction solutions would be required.

In response to the maintenance concerns, the Applicant was requested to provide commentary on this matter.

The Applicant states:

'We previously addressed these matters in January when raised (Refer our correspondence of Fri 27/01/2023 9:37) We have reviewed this matter and are of the opinion that mould on the carparks west facing façade is not a major risk because of exposure to periods of direct sunlight. Our research also indicates that mould risk can be further addressed via use of penetrating sealers that act to close up the surface pores of the concrete surface if required. Our recently submitted amended plans show hanging planting over the western wall. This was also provided in response to concerns raised by CHC regarding the treatment of the western wall.'

'It is important to note that the height of the boundary wall has been significantly reduced in the recently submitted amended plans and is now effectively a single storey. Neighbours could as such readily further screen the wall with additional planting or structures or take action to maintain either the hanging planting provided as part of the development scheme or precast face of wall itself should they become bothered by its appearance, as commonly occurs with boundary fences.'

Council considers the proposed boundary wall to be like that of a boundary fence. That is, where any issues arise with regards to maintenance or other, this is a civil matter to be resolved between landowners.

Council considers this matter to be adequately addressed and the Panel provided with sufficient information to enable a determination of the application.

Acoustic issues and solar panels at the Coast Hotel

The AR states variously at pp. 22/23 that 'acoustic treatments have been employed to mitigate acoustic disturbances'. The original SEE and Acoustic Report contain specific proposals for the east facing units, however I can't see where these requirements are specified in the proposed conditions other than a general reference to project documentation? Does Council's EHO agree with the consultants' conclusions and if so, as they are critical mitigation measures for the project, why should they not be specified in any consent? I can only find condition 12 which deals with Highway Noise.

Further, when we were on site we asked about the potential impact of the development on the solar panels on the roof of the hotel. From the revised shadow diagrams, where the shadows

shown are those cast at ground level, the impact on roof level panels should now be less than previously? Can this be assessed?

A condition of consent has been added to the recommended suite of conditions which requires the development to be carried out in accordance with all recommendations and requirements of the submitted acoustic report.

A further condition is included which ensures that the noise from air conditioning equipment does not exceed 5dBA above background noise when measured from the nearest property boundary. Should the equipment be independently incapable of satisfying this requirement, then the equipment shall be enclosed within a sound attenuated 'box'.

The wider area is undergoing a period of transition and the scale of the subject and neighbouring developments is significantly less than what is permitted under the relevant planning controls. The development will result in some overshadowing to the photovoltaic cells to the east, however this impact is unavoidable if the site is to ever be developed to its scale as envisaged by the planning controls. The cells will maintain solar access in the middle of the day, but will lose some of the sunlight in the afternoon hours. The reduction in building height correspondingly results in a reduction to the level of overshadowing of the cells, however not to such an extent that it could be said that there is no impact.

There are alternate locations for the installation of photovoltaic cells on neighbouring properties that would not be impacted by the development of this site, or any other surrounding sites. Solar panels can (generally) be installed on a property without development consent pursuant to the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and there is no statutory protection for the retention of sunlight to these panels.

TfNSW and EE advice

I can only find the referral to TfNSW on the portal, but perhaps I have missed something – the AR p.17 refers to a letter dated 10 May 2023?

EE appear to continue to express concerns about the project (email on portal dated 25 November 2022 states in bold "I cannot state this meets Essential Energy's requirements and have safety concerns").

p.17 of the AR indicates these concerns can be addressed by conditions, but I cannot find any.

In their initial response, Essential Energy had raised concern regarding the proposed substation and potential impacts that it may cause. The applicant's consultants have liaised directly with Essential Energy and have subsequently relocated the substation to an alternate location on the site, to which Essential Energy is now satisfied with.

The correspondence between Council and Essential Energy has been uploaded to the Planning Portal.

Correspondence from TfNSW has also been uploaded to the Planning Portal, whereby they raise no objections to the development and have no recommended conditions.

Council considers this matter to be adequately addressed and the Panel provided with sufficient information to enable a determination of the application.

DRAFT CONDITIONS

The Panel Secretariat has provided Council with correspondence from the Panel that seeks clarity/further information on the draft conditions.

These matters are addressed below.

p.14 of the Assessment Report (AR) – CPTED – no conditions evident regarding CPTED issues for the project (e.g. car park and entry security, lighting etc)?

The concern is noted. An additional condition is recommended which reads:

A management plan that demonstrates the development's ability to adhere to the principles of Crime Prevention Through Environmental Design shall be produced and include (but is not limited to) details of lighting, secure access, CCTV and the like.

Details demonstrating compliance shall be provided to the written satisfaction of the certifying authority prior to the issue of any construction certificate.

Reason: Safety of future and surrounding occupants.

p.15 AR Contamination – is Condition 32 sufficient to ensure the recommendations of the Contamination report are implemented and does Council not want to make requirements as to the qualifications of the contractor/consultant to do the Stage 2 investigation?

The concerns of the Panel are noted. An additional condition is recommended which requires the development to be carried out in accordance with the recommendations and requirements of the submitted Phase 1 Preliminary Site Investigation Report, and the addendum contamination letter.

p.16 AR Landscaping specs – Condition 5 only addresses Street Tree plantings?

The development application is accompanied by comprehensive landscape plans by Terras Landscape Architects which deals with plantings within the curtilage of the site. Those plans do not include plantings within the public domain, i.e., street trees.

Therefore, Condition 5 *Street Tree Planting (Plan)* requires the applicant to produce another landscape plan that specifically details the plantings on the public domain, in accordance with Council's *Street Tree Master Plan* and *Street Tree Planting Detail*.

There is no requirement for the condition to include reference to trees on private property, as these are secured via the landscape plans.

p.17 AR – as mentioned, conditions to address EE issues not evident (and TfNSW? – or perhaps this is c.12?)

As detailed earlier in this Addendum, the concerns raised by Essential Energy regarding the proposed substation have been resolved through its relocation. Notwithstanding, a condition has been included in the revised set of conditions requiring approval to be provided from Essential Energy prior to commencement of any works that impact electrical infrastructure.

TfNSW has recommended no conditions for the development.

p.20 AR – waste. No conditions necessary regarding regular domestic waste collection arrangements?

Council's engineering referral of 9 May 2023 confirms that the waste officers are satisfied with the proposal. The Panel has correctly noted that conditions pertaining to waste were erroneously left off the published suite of conditions before the Panel. The relevant waste conditions applicable to the development can be found appended to this Addendum.

Pp22-23 – Acoustic requirements for units – as mentioned in my last email can't see how the requirements of the acoustic report have been carried into the proposed consent.

Refer to revised conditions appended to this Addendum.

There is no condition about any future strata title arrangements – is this normal practise?

The development application does not seek consent for any strata subdivision and therefore conditions applying to such are unable to be included on the consent. The applicant may be able to strata subdivide the development without Council approval at a later date pursuant to the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

A condition to this effect is appended to this Addendum.

In addition, it was noted that further detail should be provided in regard to the conclusion regarding the communal open space and deep soil areas being satisfactory, given that they are well short of ADG guidance.

The site is numerically deficient in calculable communal open space and deep soil zones as outlined in the Apartment Design Guide assessment appended to the Assessment Report.

Communal Open Space

At level 1 the development provides a communal swimming pool and surrounding seating areas; terraced landscaping; and numerous 'break-out' seating areas. The effect of this arrangement of spaces is that occupants have choice in where they want to go, and are not forced to cluster into one single communal open space. The communal open space is surrounded by dense lush landscaping.

Additionally, while there is a shortfall in communal open space, the development provides (for the most part) private open spaces that are significantly in excess of what the ADG requires. The ADG requires private open space of 4sqm (studio), 8sqm (1 bed), 10sqm (2 bed), and 12sqm (3 bed+) – the typical floorplate of the development significantly exceeds this, and instead provides an average private open space of 28sqm (367sqm/13 apartments). Were this provision of private open space rearranged to be communal open space, then the development would comply with both requirements, however in this instance it is found more beneficial for each apartment to have their own generous and private balconies as these are considered more likely to be used than a communal garden.

Contextually the site is also proximate to a number of parks and areas of public recreation, whereby occupants would want somewhere to 'run around', they only need to travel a short walking distance.

On balance the provision of communal open space provided is acceptable, and its numerical shortfall is balanced by the fact that each apartment has their own large private open space, and that the site is proximate to other areas of public recreation.

Deep Soil Zone

The ADG indicates that a total of 7% of the site area should be allocated as deep soil zone, and the proposal seeks a variation to this, providing only 3.1% deep soil zone. It should be noted from the outset that this provision, whilst numerically insufficient, is still superior to the existing situation on the subject and neighbouring (eastern and western) sites, that have zero deep soil landscaping.

The design guidance provided in the ADG states that *where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.*

The proposal provides an acceptable stormwater management system.

The proposal provides on-structure planting on all levels except Level 8, in the form of planter boxes to the outer edge of the building which will, over time, 'spill' or 'cascade' over the edges of the building and present as a biophilic design.

Whilst the calculable deep soil zone is deficient of the control requirement, the landscape outcome is acceptable and represents a superior quality to that provided on surrounding and nearby developments.

Council considers this matter to be adequately addressed and the Panel provided with sufficient information to enable a determination of the application.

Applicant Submission – 15 June 2023

Council notes the correspondence provided to the Panel by the Applicant on 15 June 2023. No issues are raised within the correspondence and no further comment is necessary.

RECOMMENDATION

That the Panel note the above further justifications for various elements of the proposal, and note the additional conditions appended to the Addendum.

Yours sincerely,



Luke Perry

Section Leader Development Assessment

The City of Coffs Harbour

APPENDIX 1 – CONDITIONS OF CONSENT

Adherence to Noise Impact Assessment

The development shall be carried out, at all stages, in accordance with all recommendations and requirements as contained within the *Noise Impact Assessment* (ref:22-2720-R2) dated May 2022 and the letter *RE: Request for Additional Information* (ref:22-2720-L3) dated 5 October 2022, both prepared by Reverb Acoustics Pty Ltd.

Details demonstrating compliance are to be submitted to the certifying authority.

Reason: To ensure that the requirements of the acoustic assessments are adhered to.

Adherence to Contamination Reports

The development shall be carried out, at all stages, in accordance with all recommendations and requirements as contained within the *Preliminary Site Investigation (PSI)* dated 11 May 2022 and its addendum letter dated 22 June 2023, both by Foundation Earth Sciences.

Details demonstrating compliance are to be submitted to the certifying authority.

Reason: To ensure that the requirements of the acoustic assessments are adhered to.

Waste and Recycling Requirements

Details demonstrating compliance with the Coffs Harbour DCP Waste Management Requirements are to be submitted to and approved by the certifying authority prior to the issue of any Construction Certificate.

Reason: To ensure adequate and appropriate waste and recycling facilities are provided.

Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan submitted with this development application.

Details demonstrating compliance must be submitted to the certifying authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the certifying authority that all waste material from the development site arising from demolition and / or construction works has been appropriately recycled, reused or disposed of generally in accordance with the Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

Demolition Works - Asbestos

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a

prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

Garbage and Recycling Facilities

All internal walls of the waste rooms shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning. Waste room floors shall be graded and drained to an approved Sydney Water drainage system.

Waste rooms shall be clear of any other services or utilities infrastructure such as gas, electricity air-conditioning, plumbing, piping ducting or equipment.

Reason: To prevent pollution of the environment, provide a safe workplace for contractors and residents and to protect the amenity of the area.

Positive Covenant for Council and Contractor Indemnity

A positive covenant shall be created on the title of the land prior to the issue of an Occupation Certificate requiring the proprietor of the land to provide access to the waste storage facilities. The terms of the positive covenant are to be prepared to Council's requirements, at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Coffs Harbour City Council shall be nominated as the party to release, vary or modify such covenant.

Reason: To ensure ongoing access for servicing of waste facilities.

Authorisation of Legal Documentation Required for Waste Services

The original completed request form (NSW Land Registry Services form 13PC) must be submitted to Council for authorisation prior to the issue of an Occupation Certificate. A copy of the work-as-executed plan (details overdrawn on a copy of the approved plan) must be included with the above submission. Where required by Council or the Certifying Authority, a Compliance Certificate shall also be provided in the submission to Council.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: To create encumbrances on the land.

Removal of All Temporary Structures / Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure bushland management

Commercial Waste and Recycling Storage

Commercial waste and recycling material / storage bins must be stored in a separate area to the residential waste.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed.

Noise from Air Conditioning Equipment

Any mechanical equipment associated with the air conditioning units shall not produce noise that exceeds 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on acoustic privacy of occupants and neighbours.

No Approval for Subdivision

Nothing in this consent grants approval for the subdivision of the development hereby approved.

An application for subdivision must be made under a separate cover, unless authorised otherwise under any other environmental planning instrument.

Reason: To ensure the development is carried out in accordance with the consent.

Essential Energy

Approval is to be granted by Essential Energy prior to the commencement of works that impact electrical infrastructure.

Reason: To ensure works comply with Essential Energy requirements.